

DOCKET NO.: HHD-CV-18-6088970-S : SUPERIOR COURT
GLORIA FARBER, as Executor of the : J.D. OF HARTFORD
Estate of HILLIARD FARBER
V. : AT HARTFORD
FORE GROUP, INC. and FOTIS DULOS : JULY 29, 2019

OBJECTION TO MOTION TO QUASH SUBPOENA

The deponent Troconis had a long-standing relationship with the defendant Fotis Dulos and his entity, Fore Group, Inc. The dispute in the above-entitled matter obviously involves outstanding claims against the Fore Group and against Dulos for millions of dollars. The plaintiff seeks the deposition of Michelle Troconis not in regard to the allegations set forth in the criminal case against her, or the circumstances surrounding the disappearance and potential harm to Jennifer Farber Dulos, but rather concerning the outstanding claims against the defendants, her role at the Fore Group, her knowledge and involvement in regard to expenses paid for by the Fore Group or reimbursed to the defendant Dulos from the Fore Group, none of which implicate the present criminal charged pending against the deponent.

Rhode v. Milla, 287 Conn. 731 (2008) seems to clearly indicate the nature and extent of inquiry that's permissible and the balance that should be taken into consideration in considering any concerns of a non-party's

invocation of the Fifth Amendment. The court makes it clear that no blanket rule applies and a case by case analysis should be made, and the plaintiff proffers that the inquiry will not implicate the issues in regard to the criminal charges pending, and if and to the extent there was obviously any question that the deponent felt the need to invoke the Fifth Amendment, she would be free to do so. The court indicates the nature of the relevant relationships, a non-party witness's loyalty to the party, in this case, the defendants, the degree of control over the non-party witness are certainly factors to take into consideration, and in the instant case, since the deposition is for discovery purposes, certainly the relationship between the deponent and the defendant Dulos provides her with substantial knowledge in regard to the business affairs of the Fore Group and the use and expenditure of the Fore Group's funds.

Accordingly, the motion to quash should be denied.

PLAINTIFF

By_____/s/_____

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CERTIFICATION

This is to certify that on the 29th day of July, 2019, a copy of the foregoing was served upon:

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